

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: _____

PREIA CHAND,

Plaintiff,

vs.

JUST BRANDS LLC,
a Florida Limited Liability Company,

Defendant.

_____ /

COMPLAINT FOR DAMAGES

Plaintiff, PREIA CHAND, sues Defendant, JUST BRANDS LLC, and shows:

Introduction

1. This is an action by PREIA CHAND against her former employer for unpaid overtime pursuant to the Fair Labor Standards Act. Plaintiff seeks damages, costs, and a reasonable attorney's fee.

Jurisdiction

2. This action arises under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207. The Court has jurisdiction over the claims pursuant to 29 U.S.C. § 216(b).

3. The claim arose within the Southern District of Florida, which is where venue is proper.

Parties

4. Plaintiff, PREIA CHAND, (hereinafter "CHAND") a resident of and domiciled in Broward County, Florida, was at all times material, employed by JUST BRANDS LLC as a shipping clerk responsible for filling and shipping various cannabidiol ("CBD") orders that were

moved through interstate commerce. CHAND was an employee as defined by 29 U.S.C. § 203(e), and during her employment with JUST BRANDS LLC, was engaged in interstate commerce or in the production of goods for commerce.

5. Defendant, JUST BRANDS LLC (hereinafter, “JUST BRANDS”), is a Florida limited liability company headquartered in and doing business in Broward County, Florida and is an enterprise engaged in the sale and shipment of CBD products to Florida, out of state, and international destinations.

6. JUST BRANDS is an enterprise engaged in an industry affecting commerce, employs two or more employees affecting interstate commerce in that it has employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person, and is an employer as defined by 29 U.S.C. § 203(d) and (s)(1), which has employees subject to the provisions of the FLSA, 29 U.S.C. § 207, in the location where CHAND was employed.

7. Upon information and belief, JUST BRANDS is an enterprise with an annual gross volume of sales made or business done of not less than \$500,000.00.

General Allegations

8. CHAND was employed by JUST BRANDS as a shipping clerk fulfilling CBD orders from approximately 2018 to on or about September 12, 2022.

9. CHAND was paid a regular hourly rate of \$24.00 an hour.

10. Throughout the course of her employment, CHAND regularly worked over 40 hours a week. In fact, CHAND routinely worked a 46-hour week for the Defendant, if not more.

11. CHAND was only paid her straight time rate of \$24.00 per hour for exactly 40 hours worked every week. CHAND was never paid a rate of one and a half times her hourly rate for any hours worked over 40 in any week.

12. CHAND informed JUST BRANDS' Human Resources department on September 14, 2022 via email that she had not been paid overtime and provided them the hours of overtime she had worked since approximately June 1, 2021. JUST BRANDS took no action.

13. All conditions precedent to this action have been performed or have been waived.

Count I – Violation of FLSA by JUST BRANDS LLC – Overtime

14. Plaintiff, PREIA CHAND, realleges, as if fully set forth in Count I, the allegations of Paragraphs 1 through 13 above.

15. Since approximately June 1, 2021 up to and including September 2022, JUST BRANDS has willfully violated the provisions of §7 of the Act [29 U.S.C. §207] by employing employees engaged in commerce for workweeks longer than 40 hours without compensating them for their employment in excess of 40 hours at rates not less than one and one-half times the regular rates at which they were employed.

16. Specifically, CHAND, since approximately June 1, 2021, has worked in excess of 40 hours a week nearly every week of her employment, and was not compensated for the work in excess of 40 hours at a rate not less than one and one-half times the regular rate at which she was employed.

17. The failure to pay overtime compensation to CHAND is unlawful in that she was not exempted from the overtime provisions of the Act pursuant to the provisions of 29 U.S.C. § 213(a), in that she neither was a bona fide executive, administrative, or professional employee, or in the alternative, if CHAND was exempt, JUST BRANDS' actions and/or conduct have effectively removed any exemption that may have applied to CHAND.

18. JUST BRANDS' actions were willful and purposeful as it was well aware of the Fair Labor Standards Act and CHAND's status as non-exempt but chose not to pay her in accordance with the Act.

19. CHAND is entitled, pursuant to 29 U.S.C. § 216(b), to recover from JUST BRANDS:

- a. All unpaid overtime that is due;
- b. As liquidated damages, an amount equal to the unpaid overtime owed;
- c. The costs of this action, and;
- d. A reasonable attorney's fee.

WHEREFORE, Plaintiff, PREIA CHAND, prays that this court will grant judgment against JUST BRANDS LLC:

- a. awarding CHAND payment of overtime compensation found by the court to be due to her under the Act, including pre-judgment interest;
- b. awarding CHAND an additional equal amount as liquidated damages;
- c. awarding CHAND her costs, including a reasonable attorney's fee; and
- d. granting such other and further relief as is just.

Jury Demand

Plaintiff demands trial by jury on all issues so triable.

Dated: October 28, 2022
Plantation, Florida

Respectfully submitted,

/s/ **Robert S. Norell**

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